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Review of progress in the implementation of the Strategic Framework for Peacebuilding in Burundi

Fourth progress report

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List of acronyms

BINUB	United Nations Integrated Office in Burundi
CENI	Independent National Electoral Commission
CEPGL	Economic Community of the Great Lakes Countries
COMESA	Common Market for Eastern and Southern Africa
DANIDA	Danish Agency for International Development
DFID	Department for International Development (United Kingdom)
EAC	East African Community
FAO	Food and Agriculture Organization of the United Nations
FNL	Forces nationales de liberation
IFES	International Foundation for Electoral Systems
SADC	Southern African Development Community
UNHCR	United Nations High Commissioner for Refugees
UNDP	United Nations Development Programme
UNICEF	United Nations Children's Fund
USAID	United States Agency for International Development

I. Introduction

1. The fourth report of the Strategic Framework for Peacebuilding in Burundi describes the progress made during the period from August 2009 to January 2010 and remaining challenges to peacebuilding in 2010. The report also contains recommendations to facilitate the monitoring of the next steps.

2. This report was born of the need perceived by the Partners Coordination Group (PCG) to consolidate the Strategic Framework for Peacebuilding in Burundi and the Poverty Reduction Strategy Paper (PRSP), made possible by the great strides in peacebuilding. It marks a positive step towards "development". As a result, the report preparation methodology has changed. The consolidation of the two documents has also solved the problem of poor participation of the former thematic groups of the Strategic Framework in the preparation of the two previous progress reports. Five of the 13 PRSP sectoral groups were identified with their input being sought with respect to the relevant areas of the Strategic Framework. The sectoral groups prepared thematic reports, using a participatory approach, based on the recommendations from the third progress report of July 2009 for onward transmittal to the drafting committee. The sectoral groups are usually composed of representatives of bilateral and multilateral partners, civil society, women's associations, the private sector, political parties, religious communities, the Bashingantahe institution and the United Nations system, under the leadership of the Government, in particular the National Committee for Aid Coordination and the Ministry of Foreign Affairs and International Cooperation. As the PRSP sectoral groups do not have identical membership for the purposes of preparing the Strategic Framework for Peacebuilding report, civil society, the private sector, religious communities and the Bashingantahe institution not represented in the five sectoral groups, had the opportunity to contribute during the meetings of the Strategic Forum. The chairpersons and rapporteurs of the former thematic groups also participated in those meetings.

3. Since the sectoral groups were working on the Strategic Framework for the first time and under very tight deadlines, the usual process of reviewing, identifying and selecting benchmarks was not followed. Another challenge was matching certain Strategic Framework topics with the themes of the PRSP sectoral groups. Some topics, such as transitional justice and the Ceasefire Agreement, are not covered. The new methodology used in drafting the fourth report, with the collaboration of the PRSP sectoral groups, led some partners to question whether the current report structure covered all the issues that should be addressed.

4. Members of the Partners Coordination Group (PCG) monitoring and evaluation group met to work out the format of the report, the methodology for drafting and endorsing it in the consultation bodies, namely, the Strategic Forum (at the technical level: advisers and sectoral specialists) and the Political Forum (at the strategic level: Ministers, Ambassadors and heads of mission).

5. Notwithstanding the challenges and limitations inherent in any inclusive and participatory review process involving many institutions and people from different backgrounds, readers will find all the information they need in order to understand the facts, challenges and the future actions required in respect of peacebuilding in Burundi.

II. Review of progress and trend

A. Good governance

1. Elections

To the Government of Burundi

Peacebuilding Commission recommendations of 29 July 2009

(a) Ensure an environment conducive to the holding of free, fair and peaceful elections in 2010 and to the respect of the results by all, in line with existing laws, including through:

(i) Providing the National Independent Electoral Commission with the necessary resources required to fulfil its mandate and preserve its independence;

(ii) Promoting constructive dialogue and political space for all;

(iii) Respecting civil and political rights, in particular the freedom of opinion and the rights of political parties to hold meetings and other activities in compliance with the law;

(iv) Ensuring equal access to the media;

(v) Ensuring impartiality of the public administration in the electoral process;

(b) Take all the necessary measures to ensure the security of the electoral process and promote a zero tolerance policy on the use of violence and intimidation;

(c) Provide for a regular dialogue with the National Independent Electoral Commission, political parties and other stakeholders in order to reach and maintain consensus on issues related to the electoral process;

(d) Provide for a regular dialogue with the international partners of Burundi on the electoral process, including during and after the elections, and agree on an electoral road map with partners.

To the Peacebuilding Commission and international partners

(a) Provide, in response to the request of the Government of Burundi to the United Nations, required resources, including financial resources, and ensure coordinated and proper monitoring of the electoral process before, during and after the elections, taking into account the conclusions of the United Nations Needs Assessment Mission;

(b) Encourage and support political dialogue among the Government, the National Independent Electoral Commission, the political parties and civil society, including women's and religious groups, in order to ensure peaceful, fair and transparent elections;

(c) Consider to:

(i) Help set up and follow up an agenda for international support to the elections;

(iii) Contribute to the coordination of international efforts based upon an agreed road map and ensure that support is demand driven;

(iii) Mobilize resources needed when gaps emerge.

6. Five elections will be held in 2010 (in the following order: communal, presidential, legislative, Senate and at the collline level). For the first time, in accordance with the 2005 Burundian Constitution, the presidential election will be by direct universal suffrage.

7. The Electoral Code bill, which initially touched off controversy, was eventually widely endorsed by the political parties represented in Parliament. A compromise was reached on several contentious issues, including the schedule of voting, the voting system and the issue of "fair weather" politics. The enactment and promulgation of the new Electoral Code on 18 September 2009 was a major step forward in the preparations for the 2010 elections.

8. A document on the provision of electoral assistance was signed by the Government and the United Nations Development Programme (UNDP) on 18 September 2009, soon after Parliament approved the Electoral Code. It consists in the mobilization of resources necessary for the elections, estimated at about $43 million. The Government honoured part of its financial commitments, allocating 2,327,313,000 Burundi francs in the 2010 State budget for the functioning of the Independent National Electoral Commission (CENI), the same amount spent by the Government on CENI under the 2009 budget.

9. After the official launch by the President of the Republic at Ngozi in September 2009, the voter and civic education campaign kicked off throughout the country in October 2009. Interregional workshops financed by the International Foundation for Electoral Systems (IFES) were organized by CENI for representatives of local administration, the judiciary and civil society.

10. Civil society and the churches participate effectively in conducting civic education. The Peace Centre conducted, under the patronage of the Ministry of Good Governance and Privatization, a workshop on civic and voter education for members of faith-based organizations in Kayanza from 14 to 18 December 2009.

11. In order to promote constructive dialogue, the Permanent Forum for Dialogue among political parties, which resulted from the Peacebuilding Fund funded dialogue project, "Dialogue Frameworks", was institutionalized on 7 October 2009 by joint order of the Ministry of the Interior and the Ministry of Good Governance and Privatization. Article 5 of the order stipulates that at least 30 per cent of political party representatives in the Forum must be women.

12. The 17 Independent Provincial Electoral Commissions (CEPI) and 129 Independent Communal Electoral Commissions (CECI) were established in November 2009. They will be responsible for the distribution of the electoral rolls and the smooth conduct of the 2010 elections, at a decentralized level.

13. On 15 December 2009, an order setting out the electoral calendar was issued by CENI. This calendar set the definitive dates for the various elections. The framework for the elections has therefore been established; what still remains to be done is to draw up the electoral calendar (launching of the electoral census on 19 January 2010), continue the civic education campaign and draw up logistics plans for all the elections.

14. To permit the registration of all voters for the upcoming elections, the Ministry of the Interior, with the support of UNDP, distributed national identity cards free of charge to 1,087,600 people, targeting women and vulnerable groups in particular (58 per cent of people who received the national identity card were women). Other forms of identification, including baptism certificates, driver's licence, passport, military or police identity card, civil servant's identity card or a certificate of identity issued by the head of a *colline* will also be accepted.

15. The voter registration exercise was conducted throughout the country from 21 January to 9 February 2010. The issuance of certificates of identity enabled those who had not obtained the national identity card to enrol, bringing the total number of voters enrolled to 3,550,655, more than 50 per cent of whom were women (1,826,435). This total is slightly higher than the figure recorded for the 2005 elections (3,140,966 voters enrolled).

16. As far as respect for civil and political rights is concerned, cases of restrictions on the activities of political parties continue to be reported throughout the country. The activities of political parties are still routinely restricted by coercive measures, often taken at the provincial or local level, despite the fact that the central government prohibits such restrictions. Similarly, youth groups affiliated with political parties in some provinces engage in activities that intimidate people. Following violent clashes between youths in Kirundo province, the Minister of the Interior has taken steps to address the problem, instructing provincial governors to no longer allow young supporters of some political parties to hijack sports for political purposes; however, the potential for recurrences remains. There is still mistrust between the opposition parties and the Government.

Contribution of international partners

17. In the context of the regular dialogue on the electoral process, a meeting between the Government, CENI and members of the Burundi configuration of the Peacebuilding Commission (PBC) based in New York and in Bujumbura was organized in October; it enabled the international partners to review the progress with respect to the preparations for the elections. The issue of mobilizing partners to provide financial support of the electoral process was also addressed, as well as the creation of an environment favourable to free, legitimate and peaceful elections.

18. The visit by the Chairperson of the Burundi configuration, Ambassador Peter Maurer, in November 2009 helped to dispel the concerns of some international partners and draw their attention to delays in the mobilization and disbursement of funds needed for the electoral process.

19. In terms of partners' financial contributions to the elections, the Basket Fund managed by UNDP on behalf of international partners, received a sum of $16,063,526, representing contributions already made by eight countries (the United Kingdom, the Netherlands, Switzerland, Belgium, Norway, Egypt, Sweden and Japan) and a contribution of $2 million from UNDP. Other contributions are expected, notably from the European Commission (EC), bringing the current total to $23,257,772. This residual financing gap requires a prioritization of expenditure.

20. The United States Agency for International Development (USAID) has not yet contributed to the UNDP Basket Fund, but has provided direct funding in the amount of $2.9 million to the American NGO, IFES, which specializes in the

preparation and organization of elections, and which is providing support in three areas: (1) support to CENI; (2) support to civil society organizations; and (3) pre- and post-electoral conflict prevention. IFES carried out a major campaign to distribute national identity cards to the Batwa.

21. In terms of assistance to the media in the context of the elections, a Common Plan of Action for support to the Media has been put in place. It is the result of the consolidation of support plans designed by the European Union and the NGO network following a mission of experts to Burundi in April 2009. The Plan of Action, which is coordinated by France, is within the wider context of the electoral cycle assistance programme. For the time being, 625,000 euros has been invested in ongoing activities in a number of areas, including regulation and self-regulation of the media in an electoral context; media awareness-raising on the risks of propaganda and manipulation; and training on the electoral code.

22. Belgium, the Netherlands and France contribute to the training of the Burundi National Police (PNB) in ethics and the role of the police in elections. The BINUB security sector reform and small arms and light weapons control unit played a key role in the preparation of training modules for the Burundi Police. The question of the funding of the security component of the elections by the Common Fund has not yet been resolved.

Good Governance and the Fight against Corruption

Peacebuilding Commission recommendations of 29 July 2009 to the Government of Burundi

(e) Take further action and keep its commitment to speed up efforts to combat corruption by expediting the settlement of cases currently before the courts, including the conclusion of pending cases referred to in the third progress report, by conducting transparent investigations of open cases and by supporting and strengthening governmental and non-governmental organizations in the fight against corruption, building on recent successes and lessons learned.

23. The act on the establishment, organization and functioning of the Office of the Ombudsman provided under the Arusha Agreement, was promulgated on 25 January 2010. A total of 500 million Burundi francs has been allocated in the 2010 State budget for the functioning of the Office of the Ombudsman.

24. The Burundi Revenue Authority (OBR) is being set up following promulgation of the relevant act in June 2009. The Deputy Director General has already been appointed and the recruitment of senior management including the Director General (an expatriate) is under way. The introduction and implementation of a value-added tax (VAT) makes for transparency in customs revenue collection and enhances Burundi's ties with the East African Community (EAC).

25. With regard to efforts to combat corruption, the Ministry of Good Governance, with assistance from UNDP under the Peacebuilding Fund-financed project entitled "Support for the strengthening of mechanisms to combat corruption and misappropriation of funds throughout the country", carried out a large-scale awareness-raising campaign in mid-October 2009 on the legal and institutional framework for combating corruption through a series of 34 workshops at the commune level for provincial and communal leaders. Eight of the nine planned regional anti-corruption commissariats are now operational.

26. The national governance and anti-corruption strategy is currently being finalized. However, there is disagreement among the international partners and the Government on the study on which the strategy is based. The Minister in the Office of the President responsible for Governance and Privatization began conducting an organizational study on 22 January 2010. Preparatory work for the development of a national good governance programme has been initiated, with assistance from the World Bank and BINUB. The process of privatizing State-owned enterprises is ongoing.

27. While civil society would like a permanent framework to be established for dialogue with the Government on efforts to combat corruption, the Government holds the view that the good governance sectoral group provides an adequate forum for dialogue.

Contribution of international partners

28. The sector on good governance and the fight against corruption has been supported by a considerable number of donors, including the European Commission through its good governance programme "*Gutwara neza*", Belgium and the World Bank, which are financing the development of a national good governance and anti-corruption strategy; the United Kingdom and Sweden, which are financing a joint governance assistance programme; and the Swiss Agency for Development and Cooperation, which is providing support for the drafting of a bill to define the responsibilities of the communes. The United Nations system is also involved in the sector through the Peacebuilding Fund-financed projects on anti-corruption and support for improving the quality of services delivered by local authorities.

Challenges and risks

29. Burundi is entering a difficult period. The credibility of the electoral process is a huge challenge not only for the people of Burundi but also for the international community. Ensuring that the forthcoming elections are conducted in a transparent and fair manner, will mark yet another step towards "development" and away from conflict and will encourage international partners to become more involved.

30. Funding for the electoral process is still unpredictable, since, with the first election three months away, $14 million still needs to be mobilized. CENI has received only $14.4 million of the $32 million pledged. These funding gaps may affect the functioning of CENI and its ability to ensure a smooth conduct of the elections.

31. The electoral calendar is very tight, and the possibility of organizing a second round in the presidential elections would have implications for the legislative and senatorial elections, which will be held shortly thereafter, and for elections budget.

32. There is a danger that youth groups affiliated with various political parties and demobilized former combatants could be used to undermine security at election time.

33. The reporting period was characterized by persistent mistrust among the political parties, particularly between the ruling party and the opposition parties, with accusations and counter-accusations of influence peddling and intimidation. These allegations, even if unfounded, increase tension in the country. The potential for the hardening of political positions in the run up to and during the elections shows that it is even more important than ever to continue the dialogue.

34. The issue of the conduct of the security and defence forces before, during and after the elections is crucial: their neutrality is one of the main guarantees of fair elections. Concern has been expressed in some quarters that the security forces might be manipulated or might take sides during the electoral process. The Minister of the Interior tried to quell such fears on 26 January 2010 when he told the security forces that the time when they worked for partisan interests was past. He urged them to be impartial and patriotic throughout the electoral process.

35. Another challenge is ensuring equal access to the media for all political parties in the run up to the elections.

36. The generally held view among the public is that no progress has been made in the fight against corruption and that there is widespread impunity.

B. Ceasefire Agreement between the Government and FNL

Peacebuilding Commission recommendations of 29 July 2009

To the Government of Burundi:

(f) Continue to work with the Partnership for Peace in Burundi in monitoring the peace process and addressing any challenges that may arise, particularly from the disarmament, demobilization and reintegration process, which must be conducted with due regard for the particular needs of women and children who participated in or were impacted by the conflict;

To the Peacebuilding Commission and international partners:

(c) Encourage the Regional Peace Initiative and South Africa to continue playing an active role in the Burundi Peace Process with a view to assisting a successful and sustainable conclusion of the peace process in the framework of the new Partnership for Peace in Burundi.

37. The Government's operations to disarm former FNL combatants and dissidents officially ended in August 2009. The Rugazi assembly site in Bubanza province, where the last group of 516 former FNL combatants was located, was dismantled on 10 August 2009 and the disarmed combatants were transported to the Gitega demobilization centre. The 5,000 former FNL combatants eligible for demobilization were demobilized on 15 August 2009, and on 31 December 2009, the technical coordination team reported that it was in the process of paying the third of four instalments of the transitional subsistence allowance. The team expects the last instalment to be paid in May 2010.

38. The assistance provided to the 11,000 adults associated with the former FNL combatants also included women associated with the movement. BINUB and UNDP provided additional support through a $2 million emergency basket fund. By 27 October 2009, 10,186 adult men and women associated with FNL had returned to their home communities and 9,896 of them (97 per cent) had received their second and last instalment of the return assistance package. Over 98 per cent of the adult women had claimed their second instalment at a branch of a microfinance institution and 16 per cent of them chose to keep it as savings.

39. On 16 October 2009, the Ministry of National Solidarity, with the support of UNDP, launched a community reconstruction service plan aimed at creating job

opportunities with a view to strengthening socio-economic reinsertion in the provinces with the highest concentration of adults associated with FNL.

40. Of the 340 children associated with FNL who have been released from the movement and united with their families, 84 have resumed formal education since September 2009, while the rest are currently being considered for socio-economic reintegration.

41. A training workshop on communication and cooperation was conducted in August 2009 for political and administrative leadership of FNL under the Peacebuilding Fund "*Cadres de dialogue*" (forums for dialogue) project with a view to promoting political tolerance, integration and non-partisan support for the transformation of FNL into a political party.

42. The political and administrative integration process seems to have reached an impasse. The Government maintains that FNL have not provided profiles for the nine outstanding posts. Regarding the issue of the release of FNL prisoners, the ad hoc commission found after reviewing the cases that they were not political prisoners.

43. During the period, there was friction within the ranks of the FNL party. An "extraordinary congress" held on 29 November 2009 confirmed the Chairman, Agathon Rwasa, as leader of the party and its official candidate for the 2010 elections, and reiterated a previous decision to expel four former members of the leadership. Since then, there have been two separate parties: FNL-Rwasa, signatory to the Ceasefire Agreement, and FNL-Kenese, led by Jacques Kenese.

Contribution of international partners

44. Belgium financed a training course on capacity-building in management and governance for the FNL leadership with a view to the integration of FNL into public institutions.

45. In December 2009, South African instructors of the African Union Special Task Force trained 60 members of the Burundi police, jointly selected by the FNL and the police, to provide close protection for the FNL senior leadership. The Burundi national police is henceforth responsible for the close protection of the three top FNL leaders.

46. The implementation of the Ceasefire, which has led to the disarmament of FNL, its integration into the army and its transformation into a political party, was supported by the Facilitation acting on behalf of the Regional Initiative. Additional support was provided by France, Switzerland, Germany, the United States of America and Belgium, often through prefinancing under the emergency basket fund managed by UNDP. Following the successful implementation of the Ceasefire Agreement, the World Bank provided support for the efforts to demobilize and reintegrate former combatants of the various armed groups into civil society.

47. On 30 November 2009, the Chair of the Partnership for Peace in Burundi, Ambassador Kumalo, convened the third and final meeting of the Partnership to discuss the final report of the South African Facilitation submitted to the Regional Initiative at the East African Community summit in Arusha on 20 November 2009. Ambassador Kumalo announced that the Facilitation, the Partnership and the Political Directorate would formally end their activities at the end of December 2009. The South African troops that provided protection for senior FNL leaders

since their return to Burundi in May 2008 under an African Union mandate in the context of the Peace Process in Burundi, left the country at the end of December 2009.

C. Security sector

Peacebuilding Commission recommendations of 29 July 2009

To the Government of Burundi

(g) Finalize the comprehensive national plan for security sector reform, including the establishment of an agreed framework and modalities for rightsizing and professionalizing the army, the police and the national intelligence service;

(h) Continue efforts aimed at improving the overall security in the country, including disarming the civilian population, increasing transparency and accountability of the security services towards the national assembly, the population and civil society; and building the capacity of the security forces, in particular the police should pay special attention to the specific security challenges related to the elections.

To the Peacebuilding Commission and international partners

(f) Provide support to the finalization of the comprehensive national plan for security sector reform and its implementation; continue providing the necessary support to the security sector with particular attention to the specific challenges related to the electoral process, including the professionalization of the police.

48. With regard to the comprehensive national plan for security sector reform, the Ministry of Defence and Former Combatants organized a workshop in December 2009 to assess the prospects for security sector reform. A 15-year action plan was adopted to review the defence system in Burundi.

49. The professionalization of the defence and security forces continued during the period covered by the report. The national police benefited from a campaign aimed at raising the awareness of police officers and the general public about professional ethics and the toll-free telephone number. In addition, training was provided by the security sector reform unit, in cooperation with the BINUB Gender Unit, on the rehabilitation of the role and functions of women in the police force, gender mainstreaming, human rights and gender-based violence.

50. The strategic development plan for the national intelligence service was developed with the support of the BINUB security sector reform unit through the Peacebuilding Fund project entitled "*Appui pour un Service National de renseignement respectueux de l'Etat de droit*" (support for a national intelligence service that respects the rule of law). Validation by the Government will facilitate the finalization of the comprehensive national plan for security sector reform. In July and August 2009, the Ministry of Public Security and its partners prepared a policy paper outlining the strategic priorities for the Burundi National Police.

51. With regard to the disarmament of civilians, the promulgation in August 2009 of the act on small arms and light weapons, offered two months of amnesty to allow civilians to voluntarily turn in weapons. The Peacebuilding Fund project on the

launching of activities to disarm the population and to fight against the proliferation of small arms and light weapons made it easy to turn in arms by providing incentives for gainful employment. During this period, the Government, with UNDP support, carried out a campaign to disarm civilians. According to the National Commission for Civilian Disarmament and the Fight against the Proliferation of Small Arms, close to 3,000 firearms and more than 10,000 grenades were recovered.

52. Although the campaign led to the recovery of a number of arms, many observers claim that a considerable number of weapons are still in the hands of civilians who still do not believe that the country is safe enough, but also because some are involved in illegal trafficking. During the second half of 2009, large weapons caches were discovered in several locations across Bujumbura Rurale.

53. Incidents stemming from the lack of security, including armed robbery, targeted killings and violence linked to land disputes, continue to occur throughout the country. During the period under review, several NGOs expressed their concern at the growing number of cases of mob justice observed in the country.

Contribution of international partners

54. During the period under review, Belgium assisted the Ministry of Public Security in preparing a policy paper to setting out the strategic priorities for the Burundi National Police and in training pertaining to the lawful use of force by the Burundi National Police. A new project, jointly financed by Belgium and the Netherlands, for the professionalization of the Burundi Police and its gradual transformation into a community police force, was developed at a total cost of 5 million euros.

55. Germany and the European Commission are funding a programme to provide support for the construction of police stations throughout the country. To date, 15 police stations have been built, laying the groundwork for community policing. For its part, France has continued the construction of the new Higher Police Institute of Burundi which will train future senior police officers.

56. The Pearson Centre, with financing from the German Ministry of Foreign Affairs, organized three training sessions for senior and lower-level officers in preparation for peacekeeping missions of the African Union. Approximately 120 members of the Burundi Police received such training. The first graduates are currently deployed with African Union peacekeeping missions. Germany also provided capacity-building support to the Burundi Police, including through gender training. In that regard, the 15 newly constructed police stations have taken into account the presence of women in the police force.

57. The Netherlands provided assistance to the security sector in Burundi, by seconding strategic advisers to the Ministry of Defence and Former Combatants and the Ministry of Health, and providing support for the construction and rehabilitation of police facilities. The Netherlands also provided assistance to Burundi in drafting its national action plan for the implementation of the recommendations of the Regional Centre on Small Arms and Light Weapons.

Challenges and risks

58. Unrest within the national defence forces, especially among non-commissioned officers in the run-up to the elections, illustrated by the arrest and imprisonment of 13 soldiers suspected of plotting a mutiny in Bujumbura on 29 January 2010.

59. The potential for an escalation of violence in the run-up to, during, and after the elections, in light of the recent clashes between groups of youths affiliated with different political parties, is a cause for concern, especially since there are still many small arms in circulation, despite efforts to disarm the civilian population.

60. Despite a clear improvement in the security situation as a result of the integration of FNL into the defence and security forces and national institutions and the implementation of the Government's security sector reform policy, crime remains a problem across the country. Owing to misbehaviour, the security forces are sometimes implicated in criminal acts. Notwithstanding the capacity-building efforts undertaken, the police cannot curb all acts of violence because it does not have adequate transport and communications capacity.

61. If care is not taken, the first wave of retirements from the defence and security forces, which will affect members of the former State army, the former gendarmerie and the former public security police, might create an ethnic imbalance.

D. Justice and rule of law

1. Human rights and rule of law

Peacebuilding Commission recommendations of 29 July 2009 to the Government of Burundi

(i) Increase efforts to broaden the respect for and protection of human rights, in particular through finalizing the establishment of the National Independent Human Rights Commission in line with international norms and the Paris Principles and provide it with the necessary resources; reconsider those elements in the Penal Code that criminalize same-sex relations; take decisive action against the perpetrators of violent acts, especially against women, children and albinos; enforce the rule of law, including through measures to improve the performance and independence of the judiciary; improve efforts to end impunity and expeditiously pursue transparent investigations of all open cases, including those referred to in the third progress report.

62. During the period under review, there was no significant improvement in the efforts to end impunity nor was any progress made with respect to the legal and judicial framework. However, the Ministry of Justice organized training for the Public Prosecutor's Office on the innovations introduced in the new Penal Code. The participants made several recommendations to correct substantive and formal errors, amend certain provisions and provide for implementing legislation (community work, educational measures, etc.).

63. The draft bill on the code of penal procedure has not yet been put on the agenda of the Council of Ministers. The enactment of this legislation is vital to the implementation of several provisions of the new Penal Code, especially since the

current Code of Penal Procedure is not sufficiently in line with international standards. The two texts still have to be harmonized.

64. As a result of the arrest and prosecution of the alleged murderers of albinos, those killings have stopped.

65. As regards violence against women and children, serious violations of the rights of the child continue to be reported amidst a climate of impunity. Widespread sexual violence remains a matter of serious concern both for women and for children. Partial data collected by different NGOs during the period under review show that many cases of sexual violence drag on in the pre-trial phase owing to a lack of cooperation on the part of some authorities (police investigators and local administrative authorities (heads of *collines*)). A significant proportion of those accused of sexual violence (around 27 per cent) is reportedly acquitted.[1]

66. Considerable strides have been made with respect to legal protection for youth and minors. Pending the enactment of the Code of Penal Procedure, which provides for the establishment of special chambers for minors, the Ministry of Justice appointed focal points for prosecutors' offices and magistrates' courts. Their duty is to monitor daily, and process as a matter of priority, cases concerning minors in conflict with the law and gender-based violence.

67. The Ministry of Justice has been firmly engaged in the efforts to combat sexual violence. Several round tables were organized for magistrates and a national strategy is being developed in collaboration with various ministries and partners.

68. Nevertheless, the justice system continues to be plagued by steadily worsening prison overcrowding and a backlog of cases. The prison system, which was designed to accommodate 4,000 inmates, currently holds 10,860. In light of this reality, the Ministry of Justice, in collaboration with its partners, adopted a plan of action to control the prison population and the Supreme Court held two itinerant sessions in order to clear the backlog of cases (1,009 cases were reviewed).

69. Some of the existing cases, including those mentioned in the third interim report, have been closed by the judiciary (the Kinama and Muyinga killings, even though some observers believe that those cases were not fully investigated and that certain lines of enquiry could have been pursued further). No progress has been made in the other cases for the following reasons: in the case concerning the Banyamulenge refugees massacred in Gatumba, transitional justice mechanisms are yet to be established, while in that of the Falcon 50 jet sale, some members of parliament have asked for more time to review the case.

70. Only in the case of the murder of Mr. Ernest Manirumva, Vice-President of the Observatory for the Fight against Corruption and Misappropriation of Funds (OLUCOME), has some progress been made. A third Commission of Inquiry established in October 2009 with the support of the FBI and INTERPOL led to the arrest of several people in the course of the investigations. However, it would be premature to judge the quality of the Commission's work before it produces and publishes its report.

[1] Preliminary data gathered by the NGO Lawyers without Borders (*Avocats sans Frontières, ASF*) on the basis of judgements collected.

71. During the period under review, the decision of the Minister of Justice on 14 September 2009 to suspend three judges was perceived by civil society as a violation of the independence of the judiciary. However, the decision was endorsed by the Supreme Council of the Judiciary, which found that the suspended judges had committed ethical misconduct.

72. While the human rights situation did not deteriorate significantly during the period under review, it still remains a cause for concern. The majority of human rights violations identified had to do with the right to freedom, to the security of the person and violations of physical integrity.

73. The bill to establish a national independent human rights commission is currently under discussion in Parliament. The text is a considerable improvement over the previous text, particularly with respect to the powers of the future commission, even if some consider that some of its provisions are not consistent with the Paris Principles. A sum of 150 million Burundi francs has been allocated in the Government's 2010 budget. Funds have also been set aside under the Peacebuilding Fund to provide support for the establishment of an independent national human rights commission and the launching of its activities, which will be made upon enactment of the legislation.

74. On 23 November 2009, the Minister of the Interior withdrew recognition of the *Forum pour le renforcement de la société civile* (forum for the strengthening of civil society), thus outlawing a civil society organization for the first time. The matter has still not been resolved, and the Minister of the Interior has temporarily set aside the measure in order to allow consultations to be initiated with a view to the possible resumption of the forum's activities.

Contribution of international partners

75. The Ministry of Justice received assistance from several partners, including BINUB, the European Union, Belgium, the United Kingdom, Sweden, Switzerland and the World Bank. Consultations on and coordination of actions are carried out within the framework of the sectoral group, which met regularly. During the reporting period, the Ministry of Justice and its partners agreed on a road map for the crafting of future sectoral policy (2011-2015) for the justice sector. However, there is disagreement among members of the sectoral group, with the international partners expressing the view that highly trained staff are not used efficiently.

76. Switzerland provided support to the Ministry of Human Rights/OHCDH for the preparation of Burundi's initial and periodic reports pursuant to international conventions and treaties the country has ratified, thus allowing it to meet its international commitments. The Human Rights Section of BINUB assisted the Ministry of Human Rights in the organization of consultations between national and international partners on the development of a national policy on human rights education.

2. Transitional justice

Peacebuilding Commission recommendations of 29 July 2009 to the Government of Burundi

(j) Ensure a conducive environment and conclude the national consultations on the establishment of the transitional justice mechanisms

scheduled to be completed by December 2009 so as to ensure the timely establishment of these mechanisms in order to address accountability for past crimes and reconciliation.

77. National consultations on the establishment of transitional justice mechanisms throughout the country were held from 14 July to 17 December 2009 in line with the calendar drawn up by the Tripartite Steering Committee on national consultations. The high participation rate (82 per cent of the population) shows Burundians' keen interest in transitional justice.

78. Consultations with the diaspora will take place during the first half of 2010 in Dar-es-Salaam, Brussels and Montreal, subject to the availability of funding.

79. Civil Society organizations have been active in this area. In addition to their involvement in the Tripartite Steering Committee and the Technical Follow-up Committee, they have participated in awareness-raising campaigns and in the education of the public on transitional justice, observed the consultation process through the *Forum pour le renforcement de la société civile* and been involved in the establishment of provincial focal points. However, the consultations were suspended for one week following the revocation of the articles of association of the forum.

Contribution of international partners

80. Technical and financial partners have supported the national consultation process notably through the project entitled "Media synergy — support for grassroots consultations", implemented by the Office of the United Nations High Commissioner for Human Rights and BINUB, with financing from Switzerland. Among other things, awareness-raising and training activities were organized by the BINUB Transitional Justice Unit.

3. The gender dimension

Peacebuilding Commission recommendations of 29 July 2009 to the Government of Burundi

(n) Continue the efforts directed towards the achievement of the minimum of 30 per cent female representation in the Government and the Parliament, as agreed in the Constitution; speed up efforts, jointly with other relevant stakeholders, to enhance gender mainstreaming in the political process and continue to promote women's participation in the upcoming elections; and, recognizing the particular vulnerability of women to conflict and their role in peacebuilding, take into account the particular needs of women in implementing all the recommendations of the present review.

81. The lack of data on gender inequalities in the justice sector makes it difficult to undertake any analysis at this stage, but according to a survey published in 2009[2] on the extent to which the Police and the Burundian judicial system take into account the specific needs of women, a majority of women (63.5 per cent) feel that the justice system treats women unfairly.

[2] International Alert, "Pour restaurer la dignité des femmes (Restoring women's dignity)", survey conducted as part of the project to provide support for the integration of Security Council resolution 1325 into peacebuilding programmes, Bujumbura, November 2009.

82. The proportion of women within the judiciary was 24 per cent in both the lower and higher courts. The appointments in 2009 increased the number of female judges (34 per cent).

83. The new Electoral Code contained some provisions concerning the position of women, the most significant of which is the introduction of a 30 per cent quota for women in local councils. Prior to this, the 30 per cent quota was only implemented at the national level. The Government, in collaboration with civil society organizations and the United Nations system in Burundi, developed a common strategy to improve the participation of women in the 2010 elections.

Challenges and risks

84. The recurrence of lengthy delays in judicial procedures undermines the citizens' confidence in the justice system.

85. There are more and more instances of mob justice because of a perception of impunity among the general public.

E. Socio-economic issues

1. Land tenure issues

Peacebuilding Commission recommendations of 29 July 2009 to the Government of Burundi

(m) Finalize and adopt laws relating to inheritance and matrimonial regimes (la loi sur les successions, les régimes matrimoniaux et les libéralités) containing provisions relating to women's access to land; continue to provide support to the National Commission on Land and Other Assets; and implement the national land policy.

86. The efforts to find lasting solutions to the land tenure issues noted during the first half of 2009 continued during the period under review. The integrated Technical Group continued to assist the Government, in particular the Ministry of Water, Environment and Town Planning in identifying and demarcating State land. Such land has been used for the construction of integrated rural villages, agriculture in support of returnees and vulnerable landless individuals and the construction of social infrastructure.

87. The bill on inheritance, regulating women's access to land, was drafted at the initiative of women's associations. It was then transmitted to the Government for action.

88. The act on the mission, membership, organization and functioning of the National Commission on Land and Other Assets was enacted on 4 September 2009. The innovations of this piece of legislation include the enforceability of the Commission's decisions and the swift processing of cases for which an amicable settlement can be reached at the level of the provincial commissions.

89. Between August and December 2009, 1,823 disputes were settled throughout the country. The Bashingantahe institution, a traditional conflict mediation mechanism, plays an important role in the settlement of land disputes. However, there is still insecurity with respect to land ownership.

Contribution of international partners

90. The Swiss Agency for Development and Cooperation is active in this area; in the second half of the year, it provided support for the drafting of a land policy paper and a related bill. The UNHCR has continued to support the National Commission on Land and Other Assets in discharging its vital work of settling and mediating in land disputes.

2. Socio-economic reintegration

Peacebuilding Commission recommendations of 29 July 2009

To the Government of Burundi

(k) Finalize, in consultation with international partners, the long-term strategy for community-based, socio-economic reintegration of former FNL combatants, children formerly associated with armed forces demobilized soldiers, returnees, internally displaced people, and other vulnerable groups affected by the conflict and start its implementation, taking into account experiences such as the integrated Rural Villages Programme;

(l) Continue efforts aimed at addressing the issue of harmonization of salaries in the public sector;

To the Peacebuilding Commission and international partners

(d) Support the Government in developing a long-term community-based strategy that will address socio-economic reintegration needs of former combatants, with special consideration to women, demobilized soldiers, children associated with armed forces, returnees, internally displaced people and other groups particularly affected by the war, and provide coordinated support for its implementation.

91. The Government developed a national strategy for the socio-economic reintegration of people affected by the conflict, which was adopted by the Council of Ministers on 18 February 2010. This new strategy is the outcome of a long process of consultation with all the relevant ministries and the Government's partners, including civil society and the private sector. The strategy is targeted at three categories of the population: returnees, internally displaced persons and former combatants. The related plan of action is currently being finalized and will be used as an advocacy tool for lobbying partners to finance the strategy.

92. A multidisciplinary survey on economic opportunities and the job market was carried out in September 2009 in the provinces of Bubanza, Bujumbura Rural and Cibitoke; it identified promising areas of job creation and local economic operators who could play a key role in the revitalization of the economy.

93. Under the UNDP community rehabilitation service programme, members of communal local development committees identified 27 labour intensive infrastructure rehabilitation projects which will create over 2,160 jobs — temporary jobs for 1,485 adults associated with the rebel movements and 675 others vulnerable.

94. Owing to budget constraints, the implementation of the recommendations of the commission on the harmonization of salaries in the public sector has been postponed.

Repatriation

95. During the reporting period, UNHCR and its partners enhanced their efforts to encourage a greater number of Burundian refugees to return to the country. Overall, 23,199 of the 1972 refugees have returned to Burundi, mainly from the United Republic of Tanzania. Despite these efforts, the pace of repatriation of refugees from the Mtabila refugee camp in the United Republic of Tanzania remained very slow between August 2009 and January 2010. As at 31 December 2009, only 8,488 Burundian refugees from Mtabila had been repatriated. The majority of returnees, from former settlement sites in the United Republic of Tanzania, went to the southern provinces of the country (Bururi, Makamba and Rutana). There are still over 35,000 Burundian refugees at the Mtabila camp. The reintegration policy continues to be implemented through the Integrated Rural Villages/peace villages scheme and the construction of individual houses in the *collines*.

Contribution of international partners

96. UNDP, the Food and Agriculture Organization of the United Nations (FAO) and the United Nations Children's Fund (UNICEF), with funding from the European Commission and Belgium, provided support for the sustainable reintegration of people affected by the conflict in Burundi by supporting the provision of socio-economic services for the integrated rural villages built under the villagization policy advocated by the Government and its partners. The Danish Agency for International Development (DANIDA) and the United Kingdom Department for International Development provided financial support for the repatriation of refugees and the construction of villages. Belgium also contributed to the UNHCR efforts to repatriate Burundian refugees from the United Republic of Tanzania.

97. With a view to enhancing coordination among the existing sectoral groups, the Ad Hoc Integrated Commission on Repatriation and Reintegration joined the framework established by the policy forum of the Partners' Coordination Group to monitor the initiatives of the Strategic Framework for Peacebuilding during the reporting period; the framework, the sectoral group on community recovery, repatriation and reintegration, is chaired by the Minister of National Solidarity, with UNDP and UNHCR as co-chairs. Its primary objective is to coordinate community recovery efforts nationwide and ensure that host communities have a say in the reintegration of people affected by armed conflict.

98. The United Nations system developed under the United Nations Development Assistance Framework 2010-2014 an integrated programme to assist in the implementation of the national reintegration strategy. This integrated programme will focus on the eight provinces with the largest numbers of returnees, internally displaced persons and former combatants using the innovative United Nations approach to job creation, income generation and reintegration in post-conflict situations.

Challenges and risks

99. The lack of progress on the adoption of the act on inheritance continues to hamper efforts to settle the issue of land ownership by women, including widows, and orphans, through inheritance. The oft repeated promise to raise public awareness about this issue, a prerequisite to enactment of the new act, has not taken place.

100. The large number of individuals to be reintegrated (returnees, internally displaced persons, demobilized combatants, associated adults and others) continues to pose a major challenge to the social reintegration effort. If gainful employment is not found for these marginalized groups, there is a potential for unrest, especially in the run up to the elections.

101. Although the country now has a national socio-economic reintegration strategy, much remains to be done to mobilize the necessary resources for its implementation.

F. Regional integration

Peacebuilding Commission recommendations of 29 July 2009 to the Government of Burundi

(p) Strengthen the participation and lead role of Burundi in subregional organizations such as the African Union, the East African Community, the Economic Community of the Great Lakes Countries and the International Conference on the Great Lakes Region.

102. Burundi continues to participate in regular sectoral meetings for its full integration into the East African Community. The East African Community, the Common Market for Eastern and Southern Africa (COMESA) and the Southern African Development Community (SADC) are currently negotiating an agreement for the establishment of a free trade area.

103. Burundi has to streamline its membership of several regional economic communities.

104. During the period under review, negotiations were finalized on the protocol for the establishment of the East African Common Market, which was subsequently signed on 20 November 2009 by the Heads of State of the East African Community during their twenty-first Summit. Preparations are ongoing for its ratification. It will also be necessary to carry out an extensive advocacy effort among the national partners in order to explain the opportunities offered by the Common Market and garner their support.

105. In order to ensure a smooth introduction of the value added tax and expedite the harmonization of Burundi's customs service with those of the other member countries of the East African Community, a capacity-building workshop for senior Burundian officials was organized in partnership with the Rwanda Revenue Authority.

106. A regional integration coordination group, composed of the Government, its development partners, private sector partners and representatives of civil society, has been established and is operational.

107. In September 2009, Burundi signed a memorandum of understanding with COMESA under which it received 4.4 million euros as compensation for revenue losses as a result of regional integration, including membership of the East African Community and COMESA.

108. The first conference of presiding officers of national parliaments from the Economic Community of the Great Lakes Countries (CEPGL) took place in Bujumbura in late September 2009. Delegations from Burundi, Rwanda and the Democratic Republic of the Congo, led by their respective heads of parliament,

reviewed questions of peace and security in the Great Lakes region, and the status of implementation of development projects and cooperation among member States.

109. In August 2009, the International Conference on the Great Lakes Region, in cooperation with BINUB and Burundian civil society organizations, held a subregional meeting for women's associations and civil society organizations from the Democratic Republic of the Congo, Rwanda and Burundi. The meeting led to the adoption of a subregional plan of action on women, peace and security, in the context of the follow-up to and implementation of Security Council resolution 1325 (2000).

110. In November 2009, the International Conference on the Great Lakes Region organized a round table in Bujumbura on the implementation of the Pact on Security, Stability and Development in the Great Lakes Region. Two regional programmes of action were adopted, on peace and security and democracy and good governance, respectively. They will be implemented over five years (2010-2014).

Contribution of international partners

111. Following bilateral contacts, development partners, namely Germany, Belgium, France, United Kingdom, the Netherlands, Finland, the World Bank, the African Development Bank, the European Union, the International Monetary Fund and UNDP, expressed willingness to assist Burundi.

112. Some of the partners have already made commitments (United Kingdom through DFID, Germany through the German Technical Cooperation Agency (GTZ), Belgium, the European Union and the World Bank) while others are awaiting the adoption of strategic plans of action for Burundi's regional integration before following suit. Switzerland provides direct funding for the International Conference (training of diplomats from the region) and for a mineral resources certification project.

113. The regional integration coordination group for Burundi, chaired by the Minister for East African Community Affairs and co-chaired by the United Kingdom, composed of all the relevant development partners, met for the second time on 11 December 2009. It agreed to meet again on 11 February 2010 in order to adopt the strategic action and communication plans of the Ministry for East African Community Affairs.

Challenges and risks

114. In order to become a full-fledged member of the East African Community, Burundi must take steps to train its elites in English (the language of the EAC Treaty) and strive to keep the payment of its assessed contributions up to date.

115. Burundi must prepare for the impact of the customs union, which could initially bring stiff competition to its domestic market.

G. Aid coordination

Peacebuilding Commission recommendations of 29 July 2009

To the Government of Burundi

(a) Continue to provide leadership to the Partners' Coordination Group (Groupe de Coordination des Partenaires), with a view to maintaining regular and constructive dialogue with national stakeholders and international partners on the priorities of the Strategic Framework and the Poverty Reduction Strategy Paper, as well as to the policy dialogue on the opportunities to harmonize the two Strategic Frameworks in the light of the upcoming review of the Poverty Reduction Strategy Paper, with a view to simplifying and lightening the monitoring and reporting burden.

To the Peacebuilding Commission and international partners

(g) Make every effort in order to maintain the level of financial contributions pledged at the 2007 Round Table, to fully implement these pledges and to provide additional resources that will help Burundi to face the specific challenges of the global financial, economic and food crisis, and continue to help the Government of Burundi to make effective use of these resources.

(h) Provide strategic support to the upcoming review of the Poverty Reduction Strategy Paper and related resource mobilization efforts, use this review as a space for policy dialogue with the Government of Burundi on the opportunities to harmonize the Strategy Paper and the Strategic Framework.

(i) Help the Government of Burundi to develop new partnerships and broaden the donor base.

(j) Serve as a vehicle to ensure a close and regular link between international partners in Bujumbura and New York as a way to take forward the recommendations of this review, building on the mechanisms of the Partners' Coordination Group (Groupe de Coordination des Partenaires).

116. The period August to October 2009 was characterized by preparations for the conference of the Consultative Group, composed of the Government and its technical and financial partners, which took place in Paris on 26 and 27 October 2009. The conference was not expected to mobilize additional funds but rather to hold discussions on what sustainable development would look like in the medium-term and on the transition from a post-conflict economy to a development-based economy. It was decided that the recommendations would be reviewed every three months at the meetings of the Strategic Forum.

117. The Government of Burundi has put considerable emphasis on economic growth to foster sustainable socio-economic development. Agriculture, energy and water, private sector development, roads and transport, information and communication technologies and tourism were the sectors identified as key drivers for increased economic growth. The Government asked its partners to align their actions with these key priorities and to increase their financial support to those sectors.

118. All the technical and financial partners praised the quality of the dialogue at meetings of the Partners Coordination Group Political Forum. Members of the Government had been well-prepared and the donors had been afforded a great opportunity to hold discussions with the Government on priority-setting for the next several years. Following the adoption of an annual calendar with clearly identified topics for increased coherence, meetings of the Strategic Forum will be held more regularly.

119. The harmonization of the two strategic frameworks is beginning to take shape. The monitoring and evaluation group of the Partners Coordination Group (the group which prepares the meetings of the strategic and policy forums and provides guidelines to the sectoral groups) is now a single group, resulting in greater coherence between the two strategic frameworks. The thematic groups of the Strategic Framework for Peacebuilding and the relevant poverty reduction strategy paper thematic groups have also been merged for the first time. The new sectoral groups are responsible for drafting their chapter in the Strategic Framework for Peacebuilding reports.

120. Many of the sectoral groups, which are tasked with improving aid effectiveness, are functioning well. They meet regularly and any problems with respect to harmonization or alignment are addressed. The sectoral group on regional integration has been revived following a year of inactivity. The partners concerned have already held consultations on how to transform the expanded thematic group into a HIV/AIDS sectoral group called the Partners Forum on AIDS. The lead partners, including some multilateral partners, need to strengthen their commitment.

121. With regard to strategic and budgetary planning, several sectors have finalized their sectoral strategies and others are still in the process of doing so, notably the key priority area of energy. Eight pilot ministries have developed medium-term expenditure frameworks which would carry more weight if they were discussed by the sectoral groups.

122. Despite the financial crisis, bilateral financial partners have remained loyal to Burundi. Belgium and Germany almost doubled their respective funding packages and the Netherlands confirmed that Burundi was the only partner country not to see a reduction in foreign development assistance in 2009.

123. Disbursements under general budget support have arrived much later than anticipated. The Government of Burundi had budgeted 128 billion Burundi francs for all of 2009, but only 53.9 billion Burundi francs had been disbursed by the end of December 2009. The World Bank and Norway disbursed their 2009 contribution in 2010. The gross total amounted to 98.3 billion Burundi francs. This example clearly shows that aid to Burundi is hardly predictable. It is extremely difficult for any ministry of finance to manage a budget when funding is not predictable.

124. The agricultural sector held a round table for an African programme (of New Partnership for Africa's Development (NEPAD)) and farmers' organizations are beginning to organize to lobby hard for the farming sector.

Challenges and risks

125. The sector ministries do not have ownership of aid coordination. The idea of coordination is driven more by the donors than by the ministries.

126. Owing to their roles, the chairmen of the Partners Coordination Group alternate as discussion leaders and facilitators.

127. The clusters (humanitarian and emergency coordination groups) continue to be a source of confusion. It would be advisable to stress good communication between the clusters and the sectoral groups in order to avoid duplication of efforts.

128. The uncertain timing of and delays in disbursements by donors of budget support affect the Government's ability to achieve its objectives.

129. Budget support pledged by donors is often subject to conditionalities which change in the course of the fiscal year, making it unpredictable.

130. The ability to mobilize the volume of ODA needed to finance the implementation of the national socio-economic reintegration strategy for people affected by the conflict.

III. Summary and recommendations

131. This report gives an overview of progress achieved over the period August 2009-January 2010, including challenges and risks in each area, and recommendations for mitigating such risks. Progress achieved during the period is the result of efforts undertaken by the Government and its partners, pursuant to the recommendations of the third progress report submitted by the Government to the Peacebuilding Commission in New York on 29 July 2009, to build lasting peace in Burundi.

132. The report was born of the consolidation, by the Partners Coordination Group of the two strategic frameworks (Strategic Framework for Peacebuilding in Burundi and the Poverty Reduction Strategy Paper (PRSP)). The monitoring and evaluation group of the Partners Coordination Group is now a single group, resulting in greater coherence between the two frameworks. The PRSP thematic groups and the relevant Strategic Framework sectoral groups have also been consolidated for the first time; it is these consolidated sectoral groups that are now responsible for preparing the relevant sections of the reports on the Strategic Framework.

133. Considerable progress has already been made in the preparations for the elections. The legal and operational framework is already in place and the Government and its partners have enhanced their efforts to mobilize support for the Basket Fund managed by UNDP.

134. The Government and its partners have made efforts to improve governance and fight against corruption. The Ombudsman institution was established by law and a budget of 500 million Burundi francs has been allocated for its functioning in 2010. The Ministry of Good Governance, with support from UNDP, carried out an awareness-raising campaign on the anti-corruption legal and institutional framework.

135. The demobilization process for former FNL combatants and dissidents, and the reinsertion of its associated adults and children has been completed.

136. The disarmament of civilians has been expedited following the enactment of the small arms and light weapons act; however, disarmament efforts must continue.

137. Efforts to strengthen the capacity of judges and the police to implement the new provisions introduced into the new Penal Code is ongoing; however, implementation must await the promulgation of the code of criminal procedure. The

bill on the establishment of the national independent human rights commission is currently before the Parliament.

138. National consultations on the establishment of transitional justice mechanisms throughout the country have ended. Consultations with the diaspora will be held in the first half of 2010 in Dar es Salaam, Brussels and Montreal, subject to financing.

139. There are more female judges and the new Electoral Code has introduced some provisions concerning the position of women, of which the most important is the establishment of a 30 per cent quota for women on local councils.

140. The revised law on the National Commission on Land and other Assets introduced new provisions. The provincial commissions are the first point of appeal in case of failure to reach an amicable settlement. The national strategy for sustainable reintegration has now been prepared; what needs to be done now is to mobilize the considerable resources needed for its implementation.

141. The Government continued its regional integration programme with partner support.

142. Dialogue between the partners and the Government has continued but it still needs to be improved.

143. This fourth report built on experience acquired in drafting the three previous reports. The fact that the Strategic Framework sectoral groups were preparing the report for the first time, resulted in substantial involvement of the groups' members. Other stakeholders (civil society, women's associations, political parties, religious denominations, the private sector, the Bashingantahe institution) contributed to the discussions of the Strategic Forum.

Recommendations

Good governance

Elections

144. Ensure an environment conducive to the holding of free, fair and peaceful elections in 2010 and to the respect of the results by all, in line with existing laws, including through:

(a) Respecting civil and political rights, in particular the freedom of opinion and the rights of political parties to hold meetings and other activities in compliance with the law;

(b) Ensuring equal access to public media;

(c) Ensuring impartiality of the public administration in the electoral process;

(d) Continuing to promote conditions favourable to strengthening dialogue between all stakeholders in the electoral process;

(e) Taking all the necessary measures to ensure the security of the electoral process and promote a zero tolerance policy on the use of violence and intimidation.

145. Encourage political parties, the media and youth groups to respect the Codes of Good Conduct that they have signed.

146. Increase all necessary efforts by the Government and its external partners to ensure that the technical and financial resources needed for the 2010 elections are made available as soon as possible and in the agreed terms.

147. Finalize the electoral roll sufficiently early (March 2010) in order to meet the deadlines set out in the order of 15 December 2009.

148. Enable national and international electoral observers to be deployed from the start of the first electoral campaign through to the announcement of the results of the last poll.

Good governance and efforts to combat corruption

149. Finalize rapidly the National Strategy for Governance and the Fight against Corruption, with a view to mobilizing resources for its implementation.

150. Ensure integration of good governance indicators in the next poverty reduction strategy paper.

151. Establish a realistic action plan to reinforce anti-corruption mechanisms and institutions and provide the judicial system with the necessary means to prosecute offences linked to corruption.

152. Provide the State Audit Office with the personnel requested several years ago, and take heed of its recommendations.

153. Expand general inspections by ministries or groups of ministries.

154. Ensure that monthly meetings of the sectoral group on good governance are held and that regular feedback is provided on the discussions of the sub-groups at those meetings.

155. Give regular briefings during these meetings of various partners' contributions to the different components of good governance in Burundi in order to facilitate dialogue between the Government and civil society.

Ceasefire Agreement between the Government and FNL

156. Ensure that the remaining posts promised to FNL are filled.

Security sector

157. Start implementing the national action plan for the reform of the defence and security system in Burundi.

158. Continue professionalizing the defence and security forces throughout the country to provide better security.

159. Increase efforts to disarm the civilian population and control arms held by security and defence forces in order to strengthen security around the elections and increase the public's confidence in these forces, in particular, by concluding a second voluntary civilian disarmament campaign before the elections.

160. Ensure the neutrality/impartiality and the professionalism of the security and defence forces during the electoral process.

Justice and rule of law

Human rights and rule of law

161. Implement the recommendations formulated in the third interim report of 29 July 2009, including:

(a) Respect and protect human rights;

(b) Establish and respect the rule of law;

(c) Put an end to impunity;

(d) Improve the transparency of the justice system and address the problem of the slowness of judicial procedures.

162. Finalize the proposed law establishing the National Independent Human Rights Commission, in accordance with the Paris Principles, in order to make the Commission operational as soon as possible.

163. Proceed urgently with the correction of the Penal Code and the promulgation of the new Code of Penal Procedure.

164. Accelerate the implementation of action plans developed to deal with the training of judges and judicial officers, with juvenile justice and with the overpopulation of the prison system.

165. In regard to the overpopulation of the prison system and the backlog in the justice system, take other measures, particularly legislative ones, to improve the working and efficiency of the justice system and to make access to the law easier, especially in the provinces.

Transitional justice

166. Conclude the cycle of national consultations as soon as possible, including consultations with the Burundian diaspora, in order to proceed with the drafting of the final report strictly respecting principles of impartiality and transparency.

167. Resume discussions on points of contention, namely the independence of the Court prosecutor and the relationship between the Truth and Reconciliation Commission and the Special Tribunal.

Gender dimension

168. Continue efforts to ensure women's active participation during the elections, both as voters and as candidates.

169. Improve the collection of statistics concerning women in the justice system in order to define and refine policies which address their needs.

170. Continue efforts to reach at least 30 per cent women's representation in all public spheres.

Socio-economic issues

Land issue

171. Increase efforts by the Government and its partners to ensure the effective functioning of conflict resolution mechanisms for land disputes.

172. Support the National Commission on Land and other Assets in the implementation of its new mandate.

173. Accelerate the review and adoption of the law on inheritance, regulating women's access to land.

Socio-economic reintegration

174. Finalize the action plan for the national socio-economic reintegration strategy and mobilize the necessary resources for its implementation.

Regional integration

175. Finalize a national strategy for regional integration based on the strengths, weaknesses, opportunities and threats of Burundi's entry into the East African Community and take complete ownership of the integration process.

176. Increase efforts to improve the teaching of English and improve the performance of the administration to respond appropriately to the demands of regional integration.

Coordination of international aid

177. Strengthen the dialogue and partnership between the Government and its international partners in order for each side to be better informed about anticipated and actual aid flows and budgetary needs, thus improving coordination of international aid.

178. Further engage some key actors, whether Government actors or partners, in the coordination of aid in order to make the Sectoral Groups operational.

179. In consolidating the Strategic Framework with PRSP, ensure that all the topics covered by the former are included in the latter.

180. Ensure that Government planning, including budgeting, is transparent and that budget support is predictable and that forecasts are respected, in order to enable the Government to achieve its goals.